

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATION OF :

MICHELLE A. NUTTER, C.H.H.A. :
Certification No. 26NH12902000 :

ADMINISTRATIVE ACTION

: FINAL
ORDER OF

:
DISCIPLINE

TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN THE STATE OF :
NEW JERSEY :

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michell A. Nutter ("Respondent") is the holder of certificate number 26NH12902000 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on August 22, 2012 by the Maplewood Township Police Department for violation of two (2) counts of

N.J.S.A. 2C:35-7, Controlled Dangerous Substance on School Property, one count of N.J.S.A. 2C:35-10.5(a), Distribute a Prescription Legend Drug, and one count of N.J.S.A. 2C:35-5(b)(5), Distribute a Narcotic Drug, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Maplewood, New Jersey, via regular and certified mail on or about August 24, 2012. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed."

3. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's did not fully respond to the Board's request for information constituting a failure to cooperate with the Board's investigation, in contravention of N.J.A.C. 13:45C-1.2, 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's certification to practice as a certified homemaker-home health aide in the State of New Jersey and a fine of two-hundred dollars (\$200) was entered on December 12, 2012. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

In response to the Provisional Order of Discipline, Respondent provided a job description form and documentation showing her admission to the Pretrial Intervention Program. However, Respondent did not provide a police report, any narrative statement or explanation of circumstances surrounding and leading to the arrest, or any current employment status, which were

requested in the letter of inquiry dated August 24, 2012. To date, Respondent has not submitted any additional information. The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order is made final.

**ACCORDINGLY, IT IS on this 2 day of December, 2013,
ORDERED that:**

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with all the information requested in the Board's letter of inquiry and providing a valid address of record.

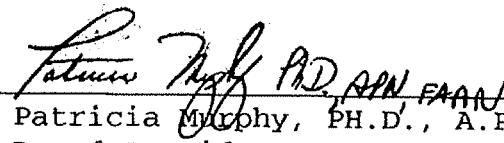
2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey, 07101. Payment shall be made no later than 15 days after notice of the entry of this Final Order is served in this matter, including any

Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21(e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PH.D., A.P.N., F.A.A.N.
Board President